ST/SGB/2016/9
21 July 2016

United Nations

Status, basic rights and duties of United Nations staff members

Secretary-General's bulletin

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Secretariat

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Status, basic rights and duties of United Nations staff members

The Secretary-General, pursuant to the request of the General Assembly in paragraph 8 of its resolution 52/252 of 8 September 1998, and in order to remind staff members of and assist them in understanding their status, basic rights and duties as international civil servants and United Nations staff members, promulgates the following:

Section 1
Purpose

1.1 The purpose of the present bulletin is to remind United Nations staff members of their basic rights and duties as international civil servants, including under the "Standards of conduct for the international civil service" which were approved by the General Assembly in its resolution 67/257.[1] The full text of the standards of conduct is set out in part IV of the annex to the present bulletin.

1.2 The present bulletin updates the references previously contained in document ST/SGB/2002/13 of 1 November 2002; specifically, the provisions of the current Staff Regulations of the United Nations and Staff Rules[2] and the text of the commentary on article I of the Staff Regulations and chapter I of the Staff Rules, as well as the provisions of the standards of conduct revised by the International Civil Service Commission and approved by the General Assembly in its resolution 67/257, with an effective date of 1 January 2013.

Section 2
General provisions

The present bulletin, together with its annex, is issued to every staff member who is subject to the Staff Regulations and Rules, including staff members of separately administered organs and programmes.

[1] A/67/30 and Corr.1, annex IV.
[2] ST/SGB/2016/1.

Section 3
Final provisions

3.1 The present bulletin shall enter into force on or at the date of its issuance. Pursuant to resolution 67/257, the revised provisions of the standards of conduct for the international civil service entered into force on 1 January 2013.

3.2 ST/SGB/2002/13 of 1 November 2002 is hereby abolished.

(*Signed*) **BAN** Ki-moon
Secretary-General

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I. Introduction

1. Article 101, paragraph 3, of the Charter of the United Nations establishes the universal standard for all staff members employed by the United Nations as the "highest standards of efficiency, competence and integrity". It is thus axiomatic that these standards apply to all staff whose employment relationship derives from the authority vested by the Charter in the Organization to employ individuals as staff members. These basic standards are common to all staff, including those of the separately funded and administered organs.

2. The statutory provisions set out in the present annex are an integral part of the Staff Regulations of the United Nations and Staff Rules, with regulations being adopted by the General Assembly pursuant to Article 101, paragraph 1, of the Charter and with rules being promulgated by the Secretary-General pursuant to the authority granted to him or her by the scope and purpose provision of the Staff Regulations.

3. The provisions of article I of the Staff Regulations are in most parts very general, as they must apply to all staff, including those of the separately funded organs. Similarly, the provisions of chapter I of the Staff Rules contained in the present annex are, for the most part, very general, as they must apply to all staff appointed under the Staff Regulations and Rules.

Role of the commentary

4. Each provision of the Staff Regulations and Rules set out in the present annex is followed by a commentary. The commentary is designed to explain individual provisions and to help staff members understand each provision by placing it into context. It is not part of the Staff Regulations and Rules and so is not a legal norm, nor does it have the legal force of a rule. It is, however, an official guide published by the Secretary-General for the use of management and staff on the scope and application of the regulations and rules contained in this annex. Staff may thus safely rely on the commentary to guide their actions, since it provides a more detailed understanding of and guidance on the statutory provisions and of staff members' basic rights and obligations.

5. In view of the need for staff to have a guide to their status, rights and duties conveniently at hand, the present annex contains extracts from the Charter and the Convention on the Privileges and Immunities of the United Nations, the text of article I of the Staff Regulations and the text of the related provisions of chapter I of the Staff Rules, together with the explanatory commentary, as well as the text of the 2013 "Standards of conduct for the international civil service" proposed by the International Civil Service Commission in its report for 2012 (A/67/30 and Corr.1) and approved by the General Assembly in its resolution 67/257 (the "2013 standards of conduct") effective 1 January 2013.

Status of the "Standards of conduct for the international civil service"

6. The 2013 standards of conduct are aimed at assisting staff members and executive heads of the organizations in understanding better the obligations placed

on staff conduct by the Charter and the Staff Regulations and Rules. They provide a discussion of expected standards to help staff understand their role as international civil servants, complementing the Staff Regulations and Rules. References to relevant paragraphs in the standards of conduct are made in the commentary.

II. Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations

Provisions relating to the status, basic rights and duties of United Nations staff members, with commentary

A. Charter of the United Nations

Chapter III
Organs

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Chapter XV
The Secretariat

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Chapter XVI
Miscellaneous provisions

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

B. Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly by its resolution 22 (I) of 13 February 1946

Article V

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves …

Section 21. The United Nations shall cooperate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities …

Commentary

Staff members

1. The Charter requires that staff members be "appointed" by the Secretary-General (or by those to whom this power has been delegated, either by the Secretary-General alone or by the Secretary-General at the direction of the General Assembly). The hallmark of a staff relationship is a letter of "appointment" issued pursuant to staff regulation 4.1. The Staff Regulations apply to all staff members within the meaning of Article 97 of the Charter, whose employment relationship and contractual link with the Organization are through a letter of appointment issued pursuant to regulations promulgated by the General Assembly.

2. To ensure that the revised Regulations apply to all staff members of the Organization, including all staff members of all its principal and subsidiary organs, even those with entirely separate administrations, the following sentence has been inserted between the second and third sentence of the "Scope and purpose" provision of the Staff Regulations:

> *"For the purposes of these Regulations, the expressions 'United Nations Secretariat', 'staff members' or 'staff' shall refer to all the staff members of the Secretariat, within the meaning of Article 97 of the Charter of the United Nations, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the General Assembly pursuant to Article 101, paragraph 1, of the Charter."*

The entire text of this provision is set out in section III of the present annex.

3. Article 105 of the Charter empowers the General Assembly to make provisions for the privileges and immunities of the "officials" of the Organization. The Assembly did so by adopting the Convention on the Privileges and Immunities of the United Nations on 13 February 1946 (hereinafter the "General Convention"). Article V of the General Convention provides for privileges and immunities for officials and article VII provides for the issue of United Nations laissez-passers to officials. By its resolution 76 (I) of 7 December 1946, the Assembly approved that the provisions in articles V and VII of the General Convention apply to all staff members of the United Nations with the exception of those "recruited locally and assigned to hourly rates". Thus, all staff members governed by the Staff Regulations are officials of the Organization.

III. Scope and purpose of the Staff Regulations of the United Nations

Article I of the Staff Regulations of the United Nations and related rules from chapter I of the Staff Rules, with commentary

Staff Regulations of the United Nations
Scope and purpose

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the United Nations Secretariat. They represent the broad principles of human resources policy for the staffing and administration of the Secretariat. For the purposes of these Regulations, the expressions "United

Nations Secretariat", "staff members" or "staff" shall refer to all the staff members of the Secretariat, within the meaning of Article 97 of the Charter of the United Nations, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the General Assembly pursuant to Article 101, paragraph 1, of the Charter. The Secretary-General, as the chief administrative officer, shall provide and enforce such staff rules consistent with these principles as he or she considers necessary.

Article I
Duties, obligations and privileges

Staff regulation 1.1
Status of staff

Regulation 1.1 (a)

Staff members are international civil servants. Their responsibilities as staff members are not national but exclusively international.

Commentary

Staff regulation 1.1 (a) clarifies that the responsibilities of staff are exclusively international owing to their status as international civil servants (see paras. 3-15, 33 and 34 of the 2013 standards of conduct, reproduced in the present annex). This requisite international outlook stems from an understanding of and loyalty to the objectives and purposes of the United Nations itself. The term "international civil servants" and the inherent rights and obligations that attach to this status apply to all staff, whether locally or internationally recruited.

Regulation 1.1 (b)

Staff members shall make the following written declaration witnessed by the Secretary-General or his or her authorized representative:

> "I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization.
>
> "I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Rules."

Commentary

1. Staff regulation 1.1 (b) contains the declaration of office of staff, and its opening words incorporate the text of former staff regulation 1.9 insofar as it relates to staff members (see paras. 3-15 of the 2013 standards of conduct). It requests staff members upon entry on duty to expressly declare that they will act with the interests of the Organization only in view in the discharge of their functions.

2. The second paragraph of the declaration refers specifically to the Staff Regulations and Rules.

Regulation 1.1 (c)

The Secretary-General shall ensure that the rights and duties of staff members, as set out in the Charter and the Staff Regulations and Rules and in the relevant resolutions and decisions of the General Assembly, are respected.

Commentary

The regulation codifies a duty that falls on the Secretary-General, that is, to ensure that the rights and duties of staff members are respected.

Regulation 1.1 (d)

The Secretary-General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be the necessity of securing staff of the highest standards of efficiency, competence and integrity.

Commentary

1. Staff regulation 1.1 (d) places on the Secretary-General an affirmative duty to seek to ensure that the criteria set out in Article 101, paragraph 3, of the Charter for the determination of the conditions of service of the staff are implemented. This provision is not intended to affect the role of legislative bodies involved in the process of establishing conditions of service. It does, however, seek to formulate the responsibility of the Secretary-General to advocate, in the appropriate forums, the adoption of what he or she considers to be the appropriate conditions of service to secure the recruitment and retention of staff possessing the highest standards of efficiency, competence and integrity.

2. The salaries of staff in the Professional and higher categories are determined by reference to the best paying national civil service under what is known as the Noblemaire principle. The salaries of staff in the General Service and related categories are established by the Secretary-General on the basis of the best prevailing conditions of employment in the locality where the United Nations office concerned is located under what is commonly referred to as the Flemming principle. The determination of the conditions of service of staff in the Field Service category follows the same pattern as the Professional category.

Regulation 1.1 (e)

The Staff Regulations apply to all staff at all levels, including staff of the separately funded organs, holding appointments under the Staff Rules.

Commentary

Regulation 1.1 (e) makes clear that the Staff Regulations apply to all staff members, irrespective of levels, including staff members of the separately funded organs within the meaning of Article 97 of the Charter whose contractual link with the Organization is through a letter of appointment issued pursuant to regulations promulgated by the General Assembly.

Regulation 1.1 (f)

The privileges and immunities enjoyed by the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe laws and police regulations of the State in which they are located nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, the staff member shall immediately report the matter to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived in accordance with the relevant instruments.

Commentary

1. Staff regulation 1.1 (f) defines the scope and extent of the privileges and immunities of the United Nations that are enjoyed by staff in the interest of the Organization (see also paras. 43 and 44 of the 2013 standards of conduct).

2. Staff rule 1.2 (b) (see below) deals with the obligation of staff to honour their private legal obligations.

Staff rule 1.1
Status of staff

Rule 1.1 (a)

The declaration made by a staff member on appointment pursuant to staff regulation 1.1 (b) shall be placed in his or her official status file. A new declaration shall be made after a break in service that exceeds three months.

Commentary

Staff rule 1.1 (a) codifies that the written declaration made on appointment is placed in the official status file. The second sentence seeks to ensure that a new declaration is made after a break in service that exceeds three months unless the staff member is reinstated and the staff member's services are considered continuous under current staff rule 4.18 (b).

Rule 1.1 (b)

The declaration administered under staff regulation 1.1 (b) shall not prevent the close collaboration of staff with a Government pursuant to an agreement between the Government and the United Nations.

Commentary

Staff rule 1.1 (b) clarifies that the written declaration does not prevent staff members from liaising and working with a Government where there has been an agreement, such as a technical cooperation agreement, between the Government and the United Nations. Staff members remain bound by their declaration towards the Organization and the principles guiding the international civil service.

Staff regulation 1.2
Basic rights and obligations of staff

Core values

Regulation 1.2 (a)

Staff members shall uphold and respect the principles set out in the Charter, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them.

Commentary

This provision describes the basic values and behaviours expected of international civil servants because of their status. At the heart of those values are the principles set out in the preamble to the Charter. The first sentence is a quotation from those opening words, and the second sentence sets out the obligation of staff flowing from a commitment to those values (see also paras. 2-6, 14, 15, 21 and 22 of the 2013 standards of conduct).

Regulation 1.2 (b)

Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

Commentary

1. This provision describes more basic values expected of international civil servants because of their status. It is derived from Article 101, paragraph 3, of the Charter and affirmatively places on staff the obligation to uphold the highest standards of efficiency, competence and integrity after appointment to the Secretariat.

2. At the heart of those values is integrity, allied with a dedication to the values and principles set out in the Charter. As discussed in paragraph 5 of the 2013 standards of conduct, the concept of integrity "embraces all aspects of behaviour of an international civil servant, including such qualities as honesty, truthfulness, impartiality and incorruptibility".

3. Various other provisions deal with particular manifestations of this set of basic values in different circumstances, for example, staff regulations 1.2 (d)-(i), (m) and (n).

General rights and obligations

Regulation 1.2 (c)

Staff members are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities or offices of the United Nations. In exercising this authority the Secretary-General shall seek to ensure, having regard to

the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them.

Commentary

1. The Secretary-General, as the chief administrative officer of the Organization, has an inherent responsibility to seek to ensure the safety of staff. This regulation recognizes that responsibility as a basic right of staff (see also para. 41 of the 2013 standards of conduct).

2. In exercising his or her authority to assign staff to any of the activities of the Organization, the Secretary-General shall seek to ensure that, while assigned to hardship areas, staff are afforded reasonable conditions of life and work having regard to the existing conditions.

3. Furthermore, since staff are subject to assignment, measures should be taken to ensure that staff are advised of conditions prevailing at the duty station to which they are assigned.

Regulation 1.2 (d)

In the performance of their duties staff members shall neither seek nor accept instructions from any Government or from any other source external to the Organization.

Commentary

1. Staff regulation 1.2 (d) flows from the first sentence of Article 100, paragraph 1, of the Charter (see paras. 8, 12, 33 and 34 of the 2013 standards of conduct).

2. This regulation makes clear that directions or instructions to staff come from the Secretary-General, who must fulfil only the legislative mandates of the Organization. This is true in all areas, including, for example, decisions relating to the appointment and promotion of staff, which are for the Secretary-General to make as the chief administrative officer of the Organization. In this context, it is improper for staff to request or allow a Government to intervene in a selection or appointment decision.

Regulation 1.2 (e)

By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Organization only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all staff members by virtue of their status as international civil servants.

Commentary

1. The first sentence of staff regulation 1.2 (e) reiterates the oath or declaration of office and sets out the principle that staff must regulate their conduct with only the interests of the Organization in view (see paras. 4 and 7 of the 2013 standards of conduct). The second sentence of staff regulation 1.2 (e) focuses on the concept of loyalty to the aims, principles and purposes of the Organization as set out in the

Charter (which is alluded to in the declaration contained in staff regulation 1.1 (b)) (ibid., paras. 4, 7 and 34). It highlights those obligations which arise from the very status of a staff member and which, at present, are set out only in the declaration subscribed to by staff upon their entry on duty.

2. The Secretary-General, and those to whom he or she has delegated decision-making authority, has the responsibility to make decisions as to whether the staff have complied with the provisions of the Staff Regulations and Rules. Since no set of rules, no matter how long or complex, can cover all situations, it is clear that there must be discretion in the application of the rules. This is common to all systems of administrative law. However, the discretionary authority of the Secretary-General is not unlimited, and relevant jurisprudence has consistently held that decisions cannot be tainted by prejudice, arbitrariness, improper motive or discrimination.

Regulation 1.2 (f)

While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.

Commentary

1. As stated in paragraph 2 of the 2013 standards of conduct:

> *"... international civil servants have a special calling: to serve the ideals of peace, respect for fundamental rights, economic and social progress, and international cooperation. It is therefore incumbent on international civil servants to adhere to the highest standards of conduct; for, ultimately, it is the international civil service that will enable the United Nations system to bring about a just and peaceful world."*

(See also para. 5 on the integrity expected of international civil servants; paras. 4, 7 and 37 on loyalty; paras. 6, 9 and 14 on tolerance and understanding; paras. 9 and 10 on impartiality; paras. 11 and 12 on independence; paras. 4, 14 and 40 on international outlook; and para.15 on freedom from discrimination.)

2. The 2013 standards of conduct state, in paragraph 9:

> *"Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions. While their personal views remain inviolate, international civil servants do not have the freedom of private persons to take sides or to express their convictions publicly on controversial matters, either individually or as members of a group, irrespective of the medium used. This can mean that, in certain situations, personal views should be expressed only with tact and discretion."*

3. As noted in the commentary on regulation 1.2 (e), it is for the Secretary-General to decide whether a staff member has met the standards set out in this

provision. While the Secretary-General has the responsibility and discretion to assess a staff member's conduct, such discretion must be exercised reasonably, without improper motives and in accordance with the requirements of due process. The United Nations Dispute and Appeals Tribunals have reiterated this principle in their jurisprudence.

Regulation 1.2 (g)

Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favour.

Commentary

1. Staff regulation 1.2 (g) is consistent with principles set out in the 2013 standards of conduct (paras. 23-26 29, 38 and 39). The use of one's office for personal gain is unacceptable. This includes conducting business from a United Nations office or using the Organization's property, such as information technology resources. As such, it includes using the United Nations facilities for a business, using the United Nations name, logo or address for a business or approving a contract for a family business, as well as conducting business for private gain through a personal e-mail using the Organization's information technology infrastructure or equipment. It also reflects the principle that staff members shall not use information that has not been made public for the private advantage of the staff member or any third party.

2. Staff regulation 1.2 (g), for the sake of clarity, makes specific reference to the prohibition on a staff member favouring a third party, including family or friends, from profiting from a staff member's position or the exercise of his or her functions. The terms "family" and "friends" are broad and intended to encompass not only family members and friends as normally understood, but also relationships that are not recognized by the Staff Regulations and Rules as creating a dependency.

3. The regulation also prohibits the use of office or knowledge gained from that office for personal reasons to prejudice or harm the careers of individual staff members or harm third parties.

4. This regulation also applies to and prohibits using one's office or the Organization's property or resources, including information technology, to advertise or otherwise advance private or political interests of others, including, but not limited to, private companies or political parties. This includes the use of private e-mail in the office or through the Organization's infrastructure or equipment for such purposes.

Regulation 1.2 (h)

Staff members may exercise the right to vote but shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants.

Commentary

1. Staff regulation 1.2 (h) reiterates the principle addressed in the 2013 standards of conduct (paras. 9, 10, 33, 48 and 49) emphasizing the need to ensure that political activities do not have an impact on the independence and impartiality of staff. This provision clarifies that staff members may have political views in general, but need to ensure that political views and activities do not have an impact on their independence and impartiality.

2. The notion of consistency with the status of an international civil servant is to be determined by the Secretary-General in view of the necessity of staff being, and appearing to be, independent and impartial. Thus, it is clear that staff members cannot be candidates for political office. In case of doubt, inquiries could be made by staff pursuant to staff rule 1.2 (t) and relevant administrative issuances governing outside activities, as well as to the Ethics Office.

3. Staff members have the right to form staff representative bodies in accordance with staff regulations 8.1 and 8.2 in order to ensure, in the words of staff regulation 8.1, "the effective participation of staff in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other human resources policies".

4. Staff regulation 1.2 (h) also addresses participation in political events in public such as a political rally. While staff may have political views, their status as impartial international civil servants never ceases while in service, and expression of a particular political opinion or opinion about a particularly sensitive political matter in public may not be compatible with that status.

Regulation 1.2 (i)

Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. These obligations do not cease upon separation from service.

Commentary

1. Staff regulation 1.2 (i) reflects the fact that official information cannot be used for private purposes, except with authorization. This flows from the idea that staff members should place the interests of the Organization above their own (see para. 4 of the 2013 standards of conduct and the wording of the declaration under staff regulation 1.1) and is intended to protect sensitive and confidential information where the disclosure would have an adverse impact on the Organization's interests, operations and activities. It follows that permission must be obtained for disclosure to third parties of information that has not been made public, unless such disclosure is in the normal course of the duties of the staff member (for example, a press officer) or a staff member was specifically authorized to make such disclosure in the circumstances in question (see also staff regulation 1.2 (r) regarding the duty of staff to cooperate with United Nations investigations).

2. The last sentence of the regulation provides that the obligations set out in the provision do not cease upon separation from service. If a former staff member were to ignore the regulation, a note could be placed in his or her official status file to prevent re-employment.

Honours, gifts or remuneration
Regulation 1.2 (j)

No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government.

Commentary

1. Staff regulations 1.2 (j), (k) and (l) provide the basic provisions regulating the issue of acceptance by staff members of any honour, decoration, favour, gift or remuneration from outside sources (see paras. 50 and 51 of the 2013 standards of conduct).[a] *The purpose of these regulations is to ensure the independence and impartiality of staff members.*

2. Staff regulation 1.2 (j) contains the basic rule that staff may not accept any honour, decoration, gift or remuneration from any Government (ibid., para. 47),[b] *whereby the term "Government" is to be understood broadly, including national, state and municipal authorities and any government representative or other agent as well as intergovernmental organizations.*

3. This rule applies whatever the reason for the award, even if the award is unrelated to the staff member's service with the Organization, since it is imperative that an international civil servant be perceived as independent from any national Government or other international organization. This includes governmental housing supplements or other support payments or perquisites, which in all cases can be deemed as a possible conflict of interest and infringement into the staff member's impartial status. It does not apply, however, to subsidies or perquisites offered locally to all United Nations staff members at a duty station such as state-subsidized childcare facilities or other aspects addressed in the host country agreement context such as tax or duty exemptions.

4. Staff regulation 1.2 (j) stresses the importance of the appearance of strict independence and impartiality of staff and thus reaffirms the absolute prohibition on acceptance of benefits from Governments. No exception to this prohibition beyond staff regulation 1.2 (k) (see below) is foreseen, and there is no basis for the Secretary-General to grant approval for acceptance.

5. This provision does not include receipt of remuneration in the form of salary from another international organization where staff are serving under an approved contractual modality such as secondment or loan on the basis of the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations Applying the United Nations Common System of Salaries and Allowances or bilateral agreements.

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[a] Even though para. 50 envisages the possibility of authorization by the executive head of an organization of an honour, decoration, gift, favour or remuneration from a Government, this is precluded by staff regulation 1.2 (j), as explained in paras. 2 and 3 of the commentary on regulation 1.2 (j).

[b] Staff regulation 3.4 (c) envisages that staff members may accept child benefits from their Governments but that, in such a case, United Nations dependency benefits will be reduced. The United Nations may also consider accepting housing provided from Governments, and when staff are assigned to such housing, rental deductions from emoluments are applicable.

Regulation 1.2 (k)

If refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to the Organization, the staff member may receive it on behalf of the Organization and then report and entrust it to the Secretary-General, who will either retain it for the Organization or arrange for its disposal for the benefit of the Organization or for a charitable purpose.[c]

Commentary

It can happen that a staff member is given an unanticipated honour, decoration, favour or gift, perhaps in public, by a minister or even a head of State. In such cases, a public refusal could cause a needlessly unpleasant incident. In such cases, regulation 1.2 (k) clarifies that the unanticipated honour, decoration, favour or gift may be received by the staff member, but only and expressly on behalf of the United Nations. The honour, decoration, favour or gift must then be given to the Secretary-General for retention or disposal by the Organization.[d] Remuneration from a Government must always be refused, and such refusal, as staff are paid by the Organization, could hardly cause embarrassment.

Regulation 1.2 (l)

No staff member shall accept any honour, decoration, favour, gift or remuneration from any non-governmental source without first obtaining the approval of the Secretary-General.

Commentary

1. Staff regulation 1.2 (l) requires that a staff member not accept any honour, decoration, favour, gift or remuneration from a non-governmental source without first obtaining the approval of the Secretary-General (see also paras. 50 and 51 of the 2013 standards of conduct).

2. A non-governmental source means any non-governmental organization or any private source. Educational institutions, even though at times publicly or government-funded, are considered to be a non-governmental source.[e]

3. Approval is not granted where the honour, decoration, favour, gift or remuneration is incompatible with the status of an international civil servant; or may be granted with conditions such as the obligation to entrust it to the Organization upon receipt, in particular when the honour, decoration, favour, gift or remuneration is related to the official function of the staff member.

4. Staff rule 1.2 (l) allows for acceptance of an unanticipated honour, decoration, favour or gift under similar circumstances of acceptance of gifts from Governments.

[c] See ST/AI/2010/1 on reporting, retaining and disposing of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources.
[d] Ibid.
[e] Ibid.

Conflict of interest

Regulation 1.2 (m)

A conflict of interest occurs when, by act or omission, a staff member's personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant. When an actual or possible conflict of interest does arise, the conflict shall be disclosed by staff members to their head of office, mitigated by the Organization and resolved in favour of the interests of the Organization.

Commentary

1. The purpose of staff regulation 1.2 (m) is to inform staff that they cannot allow personal interests to interfere with the performance of their duties or their status as international civil servants. The regulation clarifies that actual as well as potential conflicts must be avoided, disclosed and resolved. The key interest is the interest of the Organization. It will be for the Secretary-General and heads of departments to assess whether a particular act or omission raises a potential conflict of interest situation. Staff are obliged to disclose even possible conflicts and to follow instructions on how to resolve the situation, including to avoid and remove the conflict or the circumstances that make it a possible conflict. Failure by a staff member to disclose an actual or possible conflict can seriously disrupt operations of the Organization and pose detriment to the Organization's integrity and reputation as a whole, and may lead to the imposition of disciplinary measures against the staff member.

2. The definition of "conflict of interest" is complemented by the similar but more comprehensive definition set out in paragraph 23 of the 2013 standards of conduct, as follows:

> *"Conflicts of interest may occur when an international civil servant's personal interests interfere with the performance of his/her official duties or call into question the qualities of integrity, independence and impartiality required by the status of an international civil servant. Conflicts of interest include circumstances in which international civil servants, directly or indirectly, may benefit improperly, or allow a third party to benefit improperly, from their association with their organization. Conflicts of interest can arise from an international civil servant's personal or familial dealings with third parties, individuals, beneficiaries, or other institutions. If a conflict of interest or possible conflict of interest does arise, the conflict shall be disclosed, addressed and resolved in the best interest of the organization. Questions entailing a conflict of interest can be very sensitive and need to be treated with care."*

3. This provision does not seek to affect the efforts of staff associations established under staff regulation 8.1 to raise funds from staff for their activities.

Regulation 1.2 (n)

All staff members at the D-1 level and above shall be required to file financial disclosure statements on appointment and at intervals therefore as prescribed by the Secretary-General, in respect of themselves, their spouses and their dependent

children, and to assist the Secretary-General in verifying the accuracy of the information submitted when so requested. The financial disclosure statements shall include certification that the assets and economic activities of the staff members, their spouses and their dependent children do not pose a conflict of interest with their official duties or the interests of the United Nations. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.2 (m). The Secretary-General may require other staff to file financial disclosure statements as he or she deems necessary in the interest of the Organization.

Commentary

1. Staff regulation 1.2 (n) includes all staff at the D-1 level and above in the obligation to submit financial disclosure statements on appointment and at intervals as prescribed by the Secretary-General (see also para. 24 of the 2013 standards of conduct), in respect of themselves, their spouses and dependent children. This requirement is designed to minimize the risk of officials being perceived as using their position for personal gain and to detect, manage or mitigate reputational and conflict of interest risks to the Organization. The regulation makes it clear that these financial disclosure statements will remain confidential and will only be used by the Secretary-General in assessing whether an actual or possible conflict of interest as per staff regulation 1.2 (m) exists. Staff are in all cases obliged to also inform their head of office or department in case of any actual or possible conflict of interest under staff regulation 1.2 (m), regardless of whether or not they are required to file a financial disclosure statement.

2. Staff regulation 1.2 (n) places the burden of the initial assessment on the staff members themselves: staff members have to certify that no conflict of interest exists. Staff members must fully cooperate with the Secretary-General's efforts to verify any submitted information. Where in doubt, staff members should contact the Ethics Office to seek advice about risks for conflicts of interest and how to manage them. Where there is even a possibility of an actual or potential conflict of interest, staff are obliged to inform their head of office or department; this is independent and separate from the disclosure mechanism under staff regulation 1.2 (n).[f] *Further, filing a financial disclosure statement does not substitute for the obligation to inform the head of office or department of any actual or potential conflict of interest.*

3. Staff regulation 1.2 (n) also gives to the Secretary-General the authority to prescribe the form and periodic interval of such disclosure statements, to establish procedures to ensure that the statements remain confidential, and to require other staff to file financial disclosure statements.

4. The Secretariat's mechanism for financial disclosure statements under staff regulation 1.2 (n) is detailed in Secretary-General's bulletin ST/SGB/2006/6, entitled "Financial disclosure and declaration of interest statements".[g]

[f] The Secretary-General, by his bulletin ST/SGB/2005/22, entitled "Ethics Office — establishment and terms of reference", entrusted the Ethics Office with the task of administering the financial disclosure programme.

[g] Throughout the bulletin, any references to administrative issuances include any amendment or superseding issuance on the subject.

Outside employment and activities

Regulation 1.2 (o)

Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General.

Commentary

1. Staff regulation 1.2 (o) reflects the Organization's long-standing policy on outside occupation or employment, whether during or outside the work week (see also paras. 45-49 of the 2013 standards of conduct).

2. The notion of occupation includes, but is not limited to, the practice of a profession or calling (whether as an employee or on an independent contract) or any concern in the nature of trade. Employment is generally understood as a legal relationship pursuant to which one person is providing work and skill at the control and direction of another. At the same time, self-employment, ownership of an entity, undertaking management responsibilities for an entity, or serving in any management capacity, e.g., on any non-United Nations entity or freelance work are also covered by the notion of "occupation" and "employment" and require the approval of the Secretary-General. Renting out immovable or movable properties may constitute an occupation, depending on factors such as the number of properties and the income derived from such activity.

3. Being on a leave arrangement from an employer other than the United Nations is also considered "employment" or "occupation" within the meaning of this provision, even if no directions are given. Such a leave arrangement would constitute a conflict of interest and contradict the status of international civil servants; therefore, it must be disclosed and resolved in the interest of the Organization. Leave arrangements from government service while working for the United Nations are addressed in tripartite agreements among the United Nations, the Government and the staff member. Secondment from government service is addressed in staff regulation 4.1 and annex II, paragraph (c), of the Staff Regulations, which provide for the need for supporting documentation on the terms and conditions of such secondment agreed to by the Member State and the staff member. Without such agreement, the staff member may be required to cancel the leave arrangement in the light of his or her status as an international civil servant.

4. The 2013 standards of conduct clarify that staff members on leave, with or without pay, from the United Nations should bear in mind that they remain international civil servants and remain subject to the Organization's regulations and rules. Therefore, staff may engage in an outside occupation or employment or outside activity only with express permission from the Organization, including when on leave (para. 47).

5. No approval is possible for outside occupation or employment in governmental service in a political office, in a diplomatic or other representational post or in any other function not compatible with the staff member's continued status as an international civil servant. This cannot be authorized in the context of special leave arrangements under staff rule 5.3 (b). In exceptional circumstances, however, purely technical functions could be approved at the request of a Government.

Regulation 1.2 (p)

The Secretary-General may authorize staff members to engage in an outside occupation or employment, whether remunerated or not, if:

(i) The outside occupation or employment does not conflict with the staff member's official functions or the status of an international civil servant;

(ii) The outside occupation or employment is not against the interest of the United Nations; and

(iii) The outside occupation or employment is permitted by local law at the duty station or where the occupation or employment occurs.

Commentary

1. Staff regulation 1.2 (p) sets out in specific terms the Organization's long-standing requirements that must be met before a staff member may be given permission to engage in an outside occupation or employment. The key factors in determining whether permission should be granted relate to the compatibility of that occupation or employment with the status of and the functions being discharged by the staff member and with the interests of the United Nations (see also paras. 45-49 of the 2013 standards of conduct). In addition, the occupation or employment must be permitted by local law. If the Secretary-General decides under his discretionary authority that permission for such occupation or employment should be denied, a reason will be given.

2. The first requirement is that there be no conflict with the staff member's official functions or with the staff member's status as an international civil servant. For example, it would not be appropriate for a member of the Office of Legal Affairs to be working part-time in an outside law firm. Another example would be outside employment with an organization, including a non-governmental one, that might wish to enter into contractual or other relations with the United Nations. A conflict between official functions and outside employment can also exist simply in the need for the staff member to dedicate time to the outside employment, as staff members are expected — and remunerated — to devote their entire work time to the interest and work of the United Nations and to be available when exigencies of service so require.

3. The second requirement is that such occupation or employment not be against the interest of the United Nations, primarily, that the occupation or employment does not reflect adversely upon the United Nations. For example, permission would not be granted for a staff member to work with an organization the goals of which are incompatible with those of the United Nations or to work in a capacity that could call into question the impartiality and independence of the staff member. This is often the case where staff are asked by Governments or public officials to work for them or organizations or companies related to them while remaining staff members of the United Nations. Other examples include working for entities the objectives or work methods or practices of which contradict or are not compatible with the goals, objectives or values of the Organization. In addition, non-governmental organizations often follow political interests or seek contractual links to the Organization that may have to be reviewed when assessing a request by a staff member. The key element is safeguarding the impartiality of the international civil servant (see paras. 3-14 of the 2013 standards of conduct).

4. The third requirement is that the occupation or employment be permitted under the law of the duty station concerned. For example, in the United States of America, staff holding G-4 visas are not permitted under local law to accept outside employment or to earn money from an occupation, so no permission would be granted.

5. Outside activities that relate to the United Nations are regulated through staff rule 1.2 (t). Outside non-remunerated activities that have nothing to do with a staff member's official functions would remain at the discretion of the staff member (for example, the secretary of a stamp club) and normally do not require the approval of the Secretary-General, unless they have an impact on the staff member's performance of official duties (see para. 45 of the 2013 standards of conduct).

Use of property and assets

Regulation 1.2 (q)

Staff members shall use the property and assets of the Organization only for official purposes and shall exercise reasonable care when utilizing such property and assets.

Commentary

1. Staff regulation 1.2 (q) makes explicit the duty to use reasonable care when utilizing the property and assets of the Organization; this duty is behind several provisions in the Financial Rules and the Staff Rules. It includes all property and assets, including information and communications technology (ICT) that is provided for official purposes only. As per ST/SGB/2004/15 on use of information and communication technology resources and data, this also encompasses the ICT resources and data itself.

2. Management accountability for the way in which staff resources are utilized is discussed in the commentary on staff rule 1.3 (a).

Regulation 1.2 (r)

Staff members must respond fully to requests for information from staff members and other officials of the Organization authorized to investigate the possible misuse of funds, waste or abuse.

Commentary

1. Staff regulation 1.2 (r) builds on the obligation to supply information set out in current staff rule 1.5. This provision seeks to ensure that staff members clearly understand that they must cooperate with official investigations by the Organization and must supply information on their official actions to, for example, the internal or external auditors or internal investigators or ad hoc inquiry panels. Such requests are not in the nature of criminal inquiries where an individual may refuse to answer on the basis of self-incrimination. The issue in the employment relationship between a staff member and the Organization is whether the highest standards of competence, efficiency and integrity required of United Nations staff members have been met.

2. The Secretary-General has the authority to request staff to supply information, and the staff have a duty to do so. This is without prejudice to the rights of staff under article X of the Staff Regulations and chapter X of the Staff Rules.

Staff rule 1.2
Basic rights and obligations of staff

General

Rule 1.2 (a)

Staff members shall follow the directions and instructions properly issued by the Secretary-General and by their supervisors.

Commentary

1. Staff rule 1.2 (a) deals with the obligation of staff to follow directions properly given by supervising officials (see paras. 16-20 of the 2013 standards of conduct).

2. As per the 2013 standards of conduct, staff members must follow the instructions they receive in connection with their official functions, but also have a right to ask for written instructions if they have doubts as to the consistency of the instruction with the Charter or any other constitutional instrument, decisions of the governing bodies or administrative rules and regulations (para. 19). Although it is clear that staff must follow instructions, it should also be noted that they have a right to challenge instructions that they consider to violate their contract of employment or terms of appointment pursuant to chapter XI of the Staff Rules.

3. Staff do not have to follow instructions that are manifestly inconsistent with their official functions or threaten their safety or have nothing to do with their official activities, since such instructions are not proper. The use of the word "properly" in staff rule 1.2 (a) means that a supervisor who gives improper instructions will be held accountable. Such cases are rare and can usually be handled by seeking a review from the supervisor at the next level or by consulting the Office of Human Resources Management.

Rule 1.2 (b)

Staff members must comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts.

Commentary

1. Staff rule 1.2 (b) is an amplification of staff regulation 1.1 (f), which provides that the privileges and immunities of the Organization afford no excuse to staff for non-performance of their private obligations (see paras. 43 and 44 of the 2013 standards of conduct). The Secretary-General shall determine in any particular case whether such privileges and immunities exist and, if so, whether they shall be waived.

2. Staff rule 1.2 (b) makes clear to staff that they have an obligation to honour such private legal obligations. This provision assists the Organization effectively in ensuring that staff respect the applicable laws and court orders relating to their private obligations, including, but not limited to, obligations under civil

(contract/tort, etc.), family or immigration laws. In the event that a plaintiff forwards to the Organization a court order against a staff member, the Administration will seek the views of the staff member before taking any action on the basis of that order. It is the responsibility of staff who have an order against them that they contest to avail themselves of all existing means under the applicable national law to appeal the order and/or obtain relief from the obligation to comply with the order pending its appeal.

3. Failure to honour such private obligations may be treated as a disciplinary matter under article X of the Staff Regulations and chapter X of the Staff Rules. In cases of non-compliance with family support court orders, deductions from staff members' salaries, wages and other emoluments may be made in accordance with the procedures set out in Secretary-General's bulletin ST/SGB/1999/4. Other indebtedness to third parties may also result in deductions made from a staff member's emoluments under staff rule 3.18 (c).

4. Non-compliance with private legal obligations can also amount to a staff member bringing the Organization into disrepute, and staff must act in accordance with their status at all times.

Rule 1.2 (c)

Staff members have the duty to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.

Commentary

Staff rule 1.2 (c) emphasizes the obligation of all staff members to report breaches of the Organization's regulations and rules through the designated reporting channels. At the same time, it manifests the principle of non-retaliation against staff for having reported breaches of rules by others. Both the duty to report and the protection from retaliation encourage efforts on the part of all to further the United Nations as an Organization driven by integrity and transparency. It ensures that breaches such as embezzlement are brought to the attention of the Organization by staff who may know about such breaches and who do not have to fear retaliation for their honesty.

Rule 1.2 (d)

Disciplinary procedures set out in article X of the Staff Regulations and chapter X of the Staff Rules may be instituted against a staff member who fails to comply with his or her obligations and the standards of conduct set out in the Charter of the United Nations, the Staff Regulations and Rules, the Financial Regulations and Rules, and administrative issuances.

Commentary

Staff rule 1.2 (d) ensures that staff are held accountable through disciplinary procedures for failure to comply with their obligations and the standards of conduct set out in the Charter of the United Nations, the Staff Regulations and Rules, the Financial Regulations and Rules and all related issuances. Administrative issuances

refer to issuances promulgated by the Secretary-General, or by those who hold authority delegated by the Secretary-General, in furtherance of the Staff Regulations and Rules and the Financial Regulations and Rules (see ST/SGB/2009/4).

Specific instances of prohibited conduct

Rule 1.2 (e)

Sexual exploitation and abuse is prohibited. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or the age of consent locally, except where a staff member is legally married to a person who is under the age of 18 but over the age of majority or consent in his or her country of citizenship. Mistaken belief in the age of a child is not a defence. The exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. United Nations staff members are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse.

Commentary

Staff rules 1.2 (e)-(k) address specific instances of prohibited conduct. Staff rule 1.2 (e) was added to address the Organization's serious and growing concern over sexual exploitation and abuse. Sexual exploitation and abuse is listed as a matter of serious misconduct under staff regulation 10.1 (b). Staff rule 1.2 (e) reflects the importance that the Organization attaches to preventing and addressing cases of exploitation and abuse, in line with the Secretary-General's zero-tolerance policy.

Rule 1.2 (f)

Any form of discrimination or harassment, including sexual or gender harassment, as well as abuse in any form at the workplace or in connection with work, is prohibited.

Commentary

1. Staff rule 1.2 (f) reproduces the core of Secretary-General's bulletin ST/SGB/2008/5, which sets out United Nations policy on equal treatment of men and women in the Secretariat, and which also prohibits all forms of discrimination, harassment, including sexual harassment, and abuse of authority (see also paras. 15, 21 and 22 of the 2013 standards of conduct). The clarification "in any form" emphasizes that acts of abuse and harassment may take many forms and are not limited to physical or verbal abuse.

2. All dealings among staff members should be governed by the principles of dignity and mutual respect. Inappropriate behaviour that does not comport with these standards should be addressed by managers and supervisors, irrespective of whether the behaviour may rise to the level of abuse. This follows from their obligation in positions of leadership to ensure a harmonious workplace based on mutual respect (see paras. 16 and 21 of the 2013 standards of conduct).

Rule 1.2 (g)

Staff members shall not disrupt or otherwise interfere with any meeting or other official activity of the Organization, including activity in connection with the administration of justice system, nor shall staff members threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official functions. Staff members shall not threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their rights and duties under the present Rules.

Commentary

1. Staff rule 1.2 (g) prohibits actions that threaten, intimidate or interfere with official functions and activities, as well as any act that would constitute retaliation or attempted retaliation.

2. The rule is not intended to prevent permitted activities in the exercise of rights such as the right of staff to peaceful assembly, the right of representatives of staff bodies to address the Fifth Committee or other organs that have authorized such procedures, or the right of staff to meet in authorized meeting rooms. What is prohibited are actions by staff members that prevent Member States, departments, offices, staff and other authorized persons from holding a meeting or carrying out an official activity. Ultimately, the applicability of the rule will be determined on a case-by-case basis, but the test is reasonably clear in that conduct which prevents others from performing official functions is not permitted.

3. It is noted that at times staff representatives have for certain periods suspended participation in joint bodies. Withdrawal by staff representatives from joint bodies does not constitute interference with official functions, as in such cases the Administration may proceed without the consultation normally needed pursuant to article VIII of the Staff Regulations and chapter VIII of the Staff Rules.

4. The last sentence of staff rule 1.2 (g) emphasizes the importance of the Organization's policy prohibiting acts or attempts of retaliation (see also staff rule 1.2 (c)).

Rule 1.2 (h)

Staff members shall not intentionally misrepresent their functions, official title or the nature of their duties to Member States or to any entities or persons external to the United Nations.

Commentary

1. Staff rule 1.2 (h) prohibits the intentional misrepresentation of official title or duties to outside parties, for example, by placing misleading titles on business cards, usually for private advantage. The use of the word "intentional" makes clear that this prohibition does not extend to accidental or inadvertent actions.

2. While the rule expressly prohibits misrepresentation towards third parties, such intentional misrepresentation towards other staff members is also prohibited.

3. Accordingly, staff members should use the functional or official title associated with the position they hold within the Organization, and refrain from

using academic, professional or honorific titles such as prefixes or suffixes in their presentation towards others when acting on official business.

Rule 1.2 (i)

Staff members shall not intentionally alter, destroy, falsify or misplace or render useless any official document, record or file entrusted to them by virtue of their functions, which document, record or file is intended to be kept as part of the records of the Organization.

Commentary

Staff rule 1.2 (i) puts staff on notice that the intentional unauthorized destruction, alteration, falsification or misplacement or other means of rendering useless any records that were intended to form part of the official files of the Organization, or a department or office, is prohibited. This has been a problem from time to time in disciplinary cases or audits when key documents have been found to be missing from official files of the Organization. The use of the word "intentional" makes clear that this is not a careless or accidental act. The word "falsify" has been added to include cases where staff members may forge records or falsify documents, for example, to claim benefits to which they were not entitled. Such prohibited acts may also constitute fraud. Records or files include electronic records or files and e-mail or other server-based records.

Rule 1.2 (j)

Staff members shall not seek to influence Member States, principal or subsidiary organs of the United Nations or expert groups in order to obtain a change from a position or decision taken by the Secretary-General, including decisions relating to the financing of Secretariat programmes or units, or in order to secure support for improving their personal situation or the personal situation of other staff members or for blocking or reversing unfavourable decisions regarding their status or their colleagues' status.

Commentary

1. Staff rule 1.2 (j) seeks to make clear that the lobbying of Member States by individual staff members against positions taken by the Secretary-General is not permitted (see also paras. 27-29 and 31 of the 2013 standards of conduct). This includes lobbying Member States to intervene in the administration of justice on behalf of a staff member.

2. The General Assembly has recognized the importance of its informal interaction with staff representatives in human resources management issues. Such informal interactions with Member States by elected officials acting in staff representative functions are not prohibited by staff rule 1.2 (j).

Rule 1.2 (k)

Staff members shall neither offer nor promise any favour, gift, remuneration or any other personal benefit to another staff member or to any third party with a view to causing him or her to perform, fail to perform or delay the performance of any official act. Similarly, staff members shall neither seek nor accept any favour, gift,

remuneration or any other personal benefit from another staff member or from any third party in exchange for performing, failing to perform or delaying the performance of any official act.

Commentary

The prohibition in staff rule 1.2 (k) applies to a staff member's relations with other staff members and with third parties. While the general proposition is that the practices described in the rule violate the highest standards of integrity required of staff members (see paras. 17, 50 and 51 of the 2013 standards of conduct), the purpose of this rule is specifically to deal with the perversion and abuse of power, influence-peddling and other improper or even corrupt practices. Offering or accepting any favour, gift, remuneration or other incentive with the intention of obtaining the performance, non-performance or delaying of official duties by the staff member may, and in most cases does, constitute bribery and/or other forms of misconduct.

Honours, gifts or remuneration

Rule 1.2 (l)

No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government. However, if refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to the Organization, the staff member may receive it on behalf of the Organization provided that it is reported and entrusted to the Secretary-General through established procedures.

Commentary

Rule 1.2 (l) reiterates the prohibition on accepting any honour, decoration, favour, gift or remuneration from any Government stipulated in staff regulation 1.2 (j) and (k). The only possible exception is a situation in which a staff member is presented with an unanticipated honour, decoration, etc., by a government official and refusal to accept it would cause unnecessary embarrassment to the Organization. In such a situation, the presented gift or award, etc., may be accepted formally on behalf of the Organization, rather than on behalf of the individual staff member. Staff members must report such receipt of gifts or honours, etc., and entrust them to the Secretary-General through the established procedures.[h] *See also staff regulation 1.2 (j) above and the commentary on staff rule 1.2 (m) below.*

Rule 1.2 (m)

Acceptance by staff members of any honour, decoration, favour, gift or remuneration from non-governmental sources requires the prior approval of the Secretary-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the interests of the Organization and with the staff member's status as an international civil servant. If circumstances do not allow for prior approval or if refusal of an unanticipated honour, decoration, favour or gift, including a minor gift of essentially nominal value, would cause

[h] See ST/AI/2010/1 on reporting, retaining and disposing of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources.

embarrassment to the Organization, staff members may receive it on behalf of the Organization provided that it is reported and entrusted to the Secretary-General through established procedures. See also staff regulation 1.2 (l) and the commentary thereon.

Commentary

1. The intended purpose of the staff regulations and rules dealing with honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources is to ensure the independence and impartiality of staff members. Latitude is allowed in connection with such honours, decorations, etc., from non-governmental sources only when the prior approval of the Secretary-General is obtained for accepting an honour, decoration, favour, gift or remuneration, as stipulated in staff rule 1.2 (m), which implements staff regulation 1.2 (l). Staff rule 1.2 (m) provides guidance on the conditions under which honours, decorations, favours, gifts or remuneration may be accepted from non-governmental sources (see also paras. 50 and 51 of the 2013 standards of conduct). In essence, advance approval is required and will be granted only in exceptional cases and only where acceptance would not compromise the interests of the Organization or the status of the staff member as an international civil servant. The only exceptions are situations in which obtaining prior approval is not possible, as may be the case with honours, decorations, favours, gifts or remuneration from Governments (see staff regulation 1.2 (j) and (k) above) and refusal of the unanticipated honour, etc., would cause embarrassment to the Organization. Only in such a case may the honour, etc., be accepted by the staff member, but only and expressly on behalf of the Organization. Honours, decorations, favours, gifts or remuneration must in all cases be reported to the Secretary-General and entrusted to him through the established procedures.[1]

2. Acceptance of a gift, etc., outside these parameters may result in an instruction to the staff member to return it, unless in turn this may cause embarrassment to the Organization. Staff members are, therefore, expected to consult with their administering official prior to accepting any gifts, etc., under this rule.

3. Any honour, decoration, favour, gift or remuneration relating to the performance of official functions should be directed to the Organization, not to an individual staff member, and should be so designated.

Rule 1.2 (n)

The Secretary-General may authorize staff members to accept from a non-governmental source or a university or a related institution, academic awards, distinctions and tokens of a commemorative or honorary character, such as scrolls, certificates, trophies or other items of essentially nominal monetary value.

Commentary

Staff rule 1.2 (n) provides the Secretary-General with limited authority to allow staff members to accept certain awards, distinctions and tokens from a non-governmental source or from a university. The rule provides that, for the

[1] Ibid.

purpose of the rule, universities or related institutions are not considered governmental sources since, in many countries, they are not so considered and it would be incongruous for a staff member to be authorized to accept an honorary degree or certification from universities in some, but not all, countries. Therefore, the Secretary-General would normally grant authorization to accept an honorary degree or certificate from any university or related institution that is recognized as an academic institution by the Secretary-General. For example, no approval would be granted for honours from so-called "diploma mills" or institutions not recognized by a competent national authority.

Rule 1.2 (o)

Staff members, as part of their official functions, will be expected from time to time to attend governmental or other functions such as meetings, conferences, meals and diplomatic receptions. Such attendance is not considered receipt of a favour, gift or remuneration within the meaning of the Staff Regulations and Rules.

Commentary

Staff rule 1.2 (o) addresses the issue of attendance at various official functions. It is clear that international officials are required from time to time to attend governmental or other luncheons, dinners and diplomatic receptions. Such attendance will not be considered by the Secretary-General to be a favour, gift or remuneration within the meaning of staff regulation 1.2 (j)-(l). However, such attendance or receipt of hospitality favours from non-governmental sources is limited under staff rule 1.2 (p) (see below).

Rule 1.2 (p)

Staff members shall not accept any gift, remuneration or favour from any source having or seeking to have any type of contractual relationship with the Organization.

Commentary

Staff rule 1.2 (p) emphasizes the importance of staff not accepting any gift, remuneration or favour from any source (governmental or non-governmental, including universities) that has sought or seeks a contractual relationship with the Organization. This includes gifts from vendors or implementing partners, such as non-governmental organizations. The acceptance of hospitality favours from sources that have sought or seek such contractual relations is prohibited. In addition, for staff performing relevant functions that would enable them to influence such contractual relations, the acceptance of any favour, including meals or participation in a reception sponsored by a relevant party, could also be seen as creating a possible conflict of interest under staff rule 1.2 (q) and must be avoided.

Conflict of interest

Rule 1.2 (q)

A staff member whose personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant

shall disclose any such actual or possible interest to the head of office and, except as otherwise authorized by the Secretary-General, formally excuse himself or herself from participating with regard to any involvement in that matter which might give rise to a conflict of interest situation.

Commentary

Staff rule 1.2 (q) contains a definition of "conflict of interest" that is aligned with the Staff Regulations. The objective of the provision is to compel the disclosure and disposition of any actual or possible conflict of interest in a transparent manner. Where a conflict is so identified, the staff member must comply with instructions on how to resolve the matter, as all staff have the obligation to avoid conflicts of interest. This definition is complemented by the definition set out in the 2013 standards of conduct (para. 23). See also the commentary on staff regulation 1.2 (m) above.

Rule 1.2 (r)

Pursuant to staff regulation 1.2 (n), the Secretary-General shall establish procedures for the filing and utilization of financial disclosure statements.

Commentary

On the basis of staff rule 1.2 (r), the Secretary-General has established procedures to implement the filing of financial disclosure statements with due regard to the necessary confidentiality of such forms. The programme is administered by the Ethics Office.[1] *See also the commentary on staff regulation 1.2 (n) above.*

Outside activities

Rule 1.2 (s)

Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General.

Rule 1.2 (t)

Staff members shall not, except in the normal course of official duties or with the prior approval of the Secretary-General, engage in any outside activities that relate to the purpose, activities or interests of the United Nations. Outside activities include but are not limited to:

(i) Issuing statements to the press, radio or other agencies of public information;

(ii) Accepting speaking engagements;

(iii) Taking part in film, theatre, radio or television productions;

(iv) Submitting articles, books or other material for publication, or for any electronic dissemination.

Approval may be granted in accordance with staff regulation 1.2 (p).

[1] See ST/SGB/2005/22, entitled "Ethics Office — establishment and terms of reference".

Commentary

1. Staff rules 1.2 (s) and (t) distinguish between outside occupation or employment and outside activities that relate to the purpose, activities or interests of the United Nations. In either case, the staff member must request the approval of the Secretary-General. If a request is denied, a reason for that refusal will be given (see paras. 45-49 of the 2013 standards of conduct).

2. Staff rule 1.2 (t) includes in its scope any type of outside activity that relates to the purpose, activities or interests of the Organization, not limited to the list of examples of specific events or engagements provided in the rule. Staff rule 1.2 (t) (iv) further clarifies that the electronic dissemination of material for publication, for example, via e-mail or on public websites, also requires the approval of the Secretary-General. This includes contemporary means of dissemination of information through the Internet and social media. Where approved, public dissemination in any form must bear appropriate disclaimers, such as "The views expressed herein are those of the author(s) and do not necessarily reflect the views of the United Nations," unless the staff member has been requested, as part of the approval, not to disclose his or her affiliation with the Organization. Further, any publication in any form that can be associated with the author as a staff member of the Organization should bear an appropriate disclaimer.

3. Outside activities that are of benefit to the Organization or the achievement of its goals and contribute to the development of the professional skills of staff members are usually not only permitted, but also encouraged, for example, the approved publication of scholarly articles or participation in symposiums. Publicly available statements of United Nations officials, even in their private capacity, may have a significant impact on the image and reputation of the Organization. For publications, approval not only for the activity as such, but also for the manuscript prior to publication, is required if it relates to the purpose, activities or interests of the United Nations.

4. For approved outside activities that relate to the purpose, activities or interests of the Organization, only subsistence allowances similar to those payable by the United Nations may be accepted by the staff member. No other remuneration may be accepted. This serves to support the independence and impartiality expected of staff members when they engage in United Nations-related activities, given their status as international civil servants (see also staff rule 1.2 (w) below).

5. Staff members are reminded that outside activities shall not compromise the confidentiality of the Organization's information. They shall not communicate to any person any information known to them by reason of their official position that has not been made public, except with the permission of the Secretary-General. This obligation does not cease upon separation from the Organization. In this context, staff members may be required to sign an appropriate confidentiality statement prior to engaging in the activity or to ensure that no references to their affiliation with the Organization will be displayed in relevant public forums.

6. Approval is a discretionary decision by the Secretary-General and may take into account information and assessments by the employing office or department, the Ethics Office, the Office of Human Resources Management and/or the Office of Legal Affairs as well as any other relevant substantive offices or departments.

Rule 1.2 (u)

Membership in a political party is permitted, provided that such membership does not entail action, or an obligation to take action, by the staff member contrary to staff regulation 1.2 (h). The payment of normal financial contributions to a political party shall not be construed as an activity inconsistent with the principles set out in staff regulation 1.2 (h).

Commentary

Staff rule 1.2 (u) clarifies the staff member's rights and obligations vis-à-vis political activities (see also paras. 48 and 49 of the 2013 standards of conduct and the commentary on staff regulation 1.2 (h) above).

Rule 1.2 (v)

The Secretary-General shall establish procedures whereby staff may seek in confidence clarification as to whether proposed outside activities would conflict with their status as international civil servants.

Commentary

Staff rule 1.2 (v) seeks to assist staff in determining whether there are conflict situations by requiring the establishment of procedures to enable the staff to seek confidential guidance on such issues (see also paras. 45 and 48 of the 2013 standards of conduct). Staff members may reach out to the Ethics Office for guidance.[k]

Travel and per diem for outside activities

Rule 1.2 (w)

Staff members who are authorized by the Secretary-General to participate in activities related to the work of the Organization which are organized by a Government, intergovernmental organization, non-governmental organization or other private source may receive from that organizing entity accommodation, travel and subsistence allowance generally in line with those payable by the United Nations. In such cases the daily subsistence allowance that may otherwise be payable by the United Nations shall be reduced as envisaged in staff rule 7.10 (a).

Commentary

Staff rule 1.2 (w) addresses invitations routinely extended by Governments, intergovernmental organizations, non-governmental institutions or other private sources to the Secretary-General and staff members to attend conferences or meetings or undertake other activities dealing with United Nations-related matters. Attendance at such events is normally authorized by the Secretary-General, and the rule reflects that current practice. It also provides an opportunity for the Organization to save on allowances that may be payable by the Organization by having the accommodation or travel and subsistence allowance provided by the Government, intergovernmental organization, non-governmental organization or private source and by reducing the travel subsistence allowance that may otherwise

[k] See ST/SGB/2005/22, entitled "Ethics Office — establishment and terms of reference".

be payable to the staff member. The rule limits the permissible compensation that staff members may accept, when participating in United Nations-related activities, from sources other than the United Nations for travel, accommodation and subsistence to ensure the independence and impartiality expected of staff members, given their status as international civil servants. In this regard, it would be improper to accept from governmental or non-governmental sources higher levels of compensation than are allowed by the United Nations for its staff for travel on official business.

Staff regulation 1.3
Performance of staff

Regulation 1.3 (a)

Staff members are accountable to the Secretary-General for the proper discharge of their functions. Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions. Their performance will be appraised periodically to ensure that the required standards of performance are met.

Commentary

1. Much of staff regulation 1.3 deals with the standards of performance required of staff members and provides that they will be evaluated and held accountable for meeting the required standards established by the Charter. Since the separately administered funds and programmes have systems for assessing performance that are adapted to meet their special needs, the provisions of staff regulation 1.3 (a) must remain very general. The regulation places on managers the responsibility to make proper appraisals of performance, which reinforces the solid legislative basis for such procedures and practices.

2. Staff regulation 1.3 (a) makes it clear that staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions (see Article 101 of the Charter and paras. 3-14 and 52-54 of the 2013 standards of conduct). The regulation emphasizes the concept of accountability for performance as a fundamental condition of service. In this context, the General Assembly adopted a definition of accountability in its resolution 64/259:

> *"Accountability is the obligation of the Secretariat and its staff members to be answerable for all decisions made and actions taken by them, and to be responsible for honouring their commitments, without qualification or exception.*
>
> *"Accountability includes achieving objectives and high-quality results in a timely and cost-effective manner, in fully implementing and delivering on all mandates to the Secretariat approved by the United Nations intergovernmental bodies and other subsidiary organs established by them in compliance with all resolutions, regulations, rules and ethical standards; truthful, objective, accurate and timely reporting on performance results; responsible stewardship of funds and resources; all aspects of performance, including a clearly defined system of rewards and sanctions; and with due recognition to the important*

role of the oversight bodies and in full compliance with accepted recommendations."

3. The relationship between integrity and performance is discussed in the commentary on staff rule 1.3 (a) below.

4. An integral part of the performance of managers is to manage properly the human, financial and other resources entrusted to them. It should be emphasized that the higher level of responsibility associated with the managerial functions of managers entails a commensurate increase in their accountability for the proper performance of all their duties in managing the human and financial resources entrusted to them.

Regulation 1.3 (b)

The whole time of staff members shall be at the disposal of the Secretary-General for the performance of official functions. The Secretary-General shall establish a normal working week and shall establish official holidays for each duty station. Exceptions may be made by the Secretary-General as the needs of the service may require, and staff members shall be required to work beyond the normal tour of duty when requested to do so.

Commentary

Staff regulation 1.3 (b) makes it clear that, although staff normally work an ordinary working week, they must work in excess of that working week when so directed. Any requests to work additional hours must be reasonable and must be related to the needs of the service.

Staff rule 1.3
Performance of staff members

Rule 1.3 (a)

Staff members shall be evaluated for their efficiency, competence and integrity through performance appraisal mechanisms that shall assess the staff member's compliance with the standards set out in the Staff Regulations and Staff Rules for purposes of accountability.

Commentary

1. Staff rule 1.3 (a) makes explicit that the efficiency, competence and integrity required of staff by the Charter and staff regulation 1.3 (a) will be evaluated and that they will be held accountable to maintain the required standards.

2. Generally speaking, an appraisal relates primarily to efficiency and competence, but integrity is part of the essential characteristic of an international civil servant and may have an impact on the performance of official duties. For example, abusive conduct by a staff member towards his or her colleagues is not excused even if the staff member is efficient. On the other hand, the staff member's personal life is generally of no concern to a supervisor unless there is an impact on the discharge of his or her functions or on his or her role as an international civil servant. As noted in the 2013 standards of conduct:

"4. International civil servants should share the vision of their organizations. It is loyalty to this vision that ensures the integrity and international outlook of international civil servants; a shared vision guarantees that they will place the interests of their organization above their own and use its resources in a responsible manner.

"5. The concept of integrity enshrined in the Charter of the United Nations embraces all aspects of an international civil servant's behaviour, including such qualities as honesty, truthfulness, impartiality and incorruptibility. These qualities are as basic as those of competence and efficiency, also enshrined in the Charter."

3. It is important to note that competence and efficiency of staff include not only the way in which they perform their tasks, but the way in which they interact with others. As noted in the 2013 standards of conduct, the obligations of staff towards their supervisors, and of supervisors towards their staff, are of crucial importance. Those duties and obligations bear repeating in this commentary:

"16. Managers and supervisors are in positions of leadership and it is their responsibility to ensure a harmonious workplace based on mutual respect; they should be open to all views and opinions and make sure that the merits of staff are properly recognized. They need to provide support to them; this is particularly important when staff are subject to criticism arising from the performance of their duties. Managers are also responsible for guiding and motivating their staff and promoting their development.

"17. Managers and supervisors serve as role models and they have therefore a special obligation to uphold the highest standards of conduct. It is quite improper for them to solicit favours, gifts or loans from their staff; they must act impartially, without favouritism and intimidation. In matters relating to the appointment or career of others, international civil servants should not try to influence colleagues for personal reasons.

"18. Managers and supervisors should communicate effectively with their staff and share relevant information with them. International civil servants have a reciprocal responsibility to provide all pertinent facts and information to their supervisors and to abide by and defend any decisions taken, even when those do not accord with their personal views.

"19. International civil servants must follow the instructions they receive in connection with their official functions and, if they have doubts as to whether an instruction is consistent with the Charter or any other constitutional instrument, decisions of the governing bodies or administrative rules and regulations, they should first consult their supervisors. If the international civil servant and supervisor cannot agree, the international civil servant may ask for written instructions. These may be challenged through the proper institutional mechanisms, but any challenge should not delay carrying out the instruction. International civil servants may also record their views in official files. They should not follow verbal or written instructions that are manifestly inconsistent with their official functions or that threaten their safety or that of others.

"20. International civil servants have the duty to report any breach of the organization's regulations and rules to the official or entity within their

organizations whose responsibility it is to take appropriate action, and to cooperate with duly authorized audits and investigations. An international civil servant who reports such a breach in good faith or who cooperates with an audit or investigation has the right to be protected against retaliation for doing so."

4. It should be emphasized that supervisors will be assessed not only on their technical competence, but also on the way in which they utilize the staff placed under their direction.

Rule 1.3 (b)

The Secretary-General shall seek to ensure that appropriate learning and development programmes are available for the benefit of staff.

Commentary

As staff are required to uphold the highest standards of efficiency, competence and integrity, it follows that during their careers the Secretary-General must seek to ensure that staff are provided with appropriate learning and development opportunities to assist them in meeting the challenges of responding effectively to the changing mandates of the Organization.

Rule 1.3 (c)

Performance reports shall be prepared regularly for all staff members, including at the Assistant Secretary-General level and above, in accordance with procedures promulgated by the Secretary-General.

Commentary

Staff rule 1.3 (c) provides that performance appraisal will be pursuant to procedures promulgated by the Secretary-General.

IV. Standards of conduct for the international civil service, 2013

Introduction

1. The United Nations and the specialized agencies embody the highest aspirations of the peoples of the world. Their aim is to save succeeding generations from the scourge of war and to enable every man, woman and child to live in dignity and freedom.

2. The international civil service bears responsibility for translating these ideals into reality. It relies on the great traditions of public administration that have grown up in member States: competence, integrity, impartiality, independence and discretion. But over and above this, international civil servants have a special calling: to serve the ideals of peace, respect for fundamental rights, economic and social progress, and international cooperation. It is therefore incumbent on international civil servants to adhere to the highest standards of conduct; for, ultimately, it is the international civil service that will enable the United Nations system to bring about a just and peaceful world.

Guiding principles

3. The values that are enshrined in the United Nations organizations must also be those that guide international civil servants in all their actions: fundamental human rights, social justice, the dignity and worth of the human person and respect for the equal rights of men and women and of nations great and small.

4. International civil servants should share the vision of their organizations. It is loyalty to this vision that ensures the integrity and international outlook of international civil servants; a shared vision guarantees that they will place the interests of their organization above their own and use its resources in a responsible manner.

5. The concept of integrity enshrined in the Charter of the United Nations embraces all aspects of an international civil servant's behaviour, including such qualities as honesty, truthfulness, impartiality and incorruptibility. These qualities are as basic as those of competence and efficiency, also enshrined in the Charter.

6. Tolerance and understanding are basic human values. They are essential for international civil servants, who must respect all persons equally, without any distinction whatsoever. This respect fosters a climate and a working environment sensitive to the needs of all. To achieve this in a multicultural setting calls for a positive affirmation going well beyond passive acceptance.

7. International loyalty means loyalty to the whole United Nations system and not only to the organization for which one works; international civil servants have an obligation to understand and exemplify this wider loyalty. The need for a cooperative and understanding attitude towards international civil servants of other United Nations organizations is obviously most important where international civil servants of several organizations are serving in the same country or region.

8. If the impartiality of the international civil service is to be maintained, international civil servants must remain independent of any authority outside their organization; their conduct must reflect that independence. In keeping with their oath of office, they should not seek nor should they accept instructions from any Government, person or entity external to the organization. It cannot be too strongly stressed that international civil servants are not, in any sense, representatives of Governments or other entities, nor are they proponents of their policies. This applies equally to those on secondment from Governments and to those whose services have been made available from elsewhere. International civil servants should be constantly aware that through their allegiance to the Charter and the corresponding instruments of each organization, member States and their representatives are committed to respect this independent status.

9. Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions. While their personal views remain inviolate, international civil servants do not have the freedom of private persons to take sides or to express their convictions publicly on controversial matters, either individually or as members of a group, irrespective of the medium used. This can mean that, in certain situations, personal views should be expressed only with tact and discretion.

10. This does not mean that international civil servants have to give up their personal political views or national perspectives. It does mean, however, that they

must at all times maintain a broad international outlook and an understanding of the international community as a whole.

11. The independence of the international civil service does not conflict with, or obscure, the fact that it is the member States that collectively make up — in some cases with other constituents — the organization. Conduct that furthers good relations with individual member States and that contributes to their trust and confidence in the organizations' secretariat strengthens the organizations and promotes their interest.

12. International civil servants who are responsible for projects in particular countries or regions may be called upon to exercise special care in maintaining their independence. At times they might receive instructions from the host country but this should not compromise their independence. If at any time they consider that such instructions threaten their independence, they must consult their supervisors.

13. International civil servants at all levels are accountable and answerable for all actions carried out, as well as decisions taken, and commitments made by them in performing their functions.

14. An international outlook stems from an understanding of and loyalty to the objectives and purposes of the organizations of the United Nations system as set forth in their legal instruments. It implies, inter alia, respect for the right of others to hold different points of view and follow different cultural practices. It requires a willingness to work without bias with persons of all nationalities, religions and cultures; it calls for constant sensitivity as to how words and actions may look to others. It requires avoidance of any expressions that could be interpreted as biased or intolerant. As working methods can be different in different cultures, international civil servants should not be wedded to the attitudes, working methods or work habits of their own country or region.

15. Freedom from discrimination is a basic human right. International civil servants are expected to respect the dignity, worth and equality of all people without any distinction whatsoever. Assumptions based on stereotypes must be assiduously avoided. One of the main tenets of the Charter is the equality of men and women, and organizations should therefore do their utmost to promote gender equality.

Working relations

16. Managers and supervisors are in positions of leadership and it is their responsibility to ensure a harmonious workplace based on mutual respect; they should be open to all views and opinions and make sure that the merits of staff are properly recognized. They need to provide support to them; this is particularly important when staff are subject to criticism arising from the performance of their duties. Managers are also responsible for guiding and motivating their staff and promoting their development.

17. Managers and supervisors serve as role models and they have therefore a special obligation to uphold the highest standards of conduct. It is quite improper for them to solicit favours, gifts or loans from their staff; they must act impartially, without favouritism and intimidation. In matters relating to the appointment or career of others, international civil servants should not try to influence colleagues for personal reasons.

18. Managers and supervisors should communicate effectively with their staff and share relevant information with them. International civil servants have a reciprocal responsibility to provide all pertinent facts and information to their supervisors and to abide by and defend any decisions taken, even when those do not accord with their personal views.

19. International civil servants must follow the instructions they receive in connection with their official functions and, if they have doubts as to whether an instruction is consistent with the Charter or any other constitutional instrument, decisions of the governing bodies or administrative rules and regulations, they should first consult their supervisors. If the international civil servant and supervisor cannot agree, the international civil servant may ask for written instructions. These may be challenged through the proper institutional mechanisms, but any challenge should not delay carrying out the instruction. International civil servants may also record their views in official files. They should not follow verbal or written instructions that are manifestly inconsistent with their official functions or that threaten their safety or that of others.

20. International civil servants have the duty to report any breach of the organization's regulations and rules to the official or entity within their organizations whose responsibility it is to take appropriate action, and to cooperate with duly authorized audits and investigations. An international civil servant who reports such a breach in good faith or who cooperates with an audit or investigation has the right to be protected against retaliation for doing so.

Harassment and abuse of authority

21. Harassment in any shape or form is an affront to human dignity and international civil servants must not engage in any form of harassment. International civil servants have the right to a workplace environment free of harassment or abuse. All organizations must prohibit any kind of harassment. Organizations have a duty to establish rules and provide guidance on what constitutes harassment and abuse of authority and how unacceptable behaviour will be addressed.

22. International civil servants must not abuse their authority or use their power or position in a manner that is offensive, humiliating, embarrassing or intimidating to another person.

Conflict of interest

23. Conflicts of interest may occur when an international civil servant's personal interests interfere with the performance of his/her official duties or call into question the qualities of integrity, independence and impartiality required by the status of an international civil servant. Conflicts of interest include circumstances in which international civil servants, directly or indirectly, may benefit improperly, or allow a third party to benefit improperly, from their association with their organization. Conflicts of interest can arise from an international civil servant's personal or familial dealings with third parties, individuals, beneficiaries, or other institutions. If a conflict of interest or possible conflict of interest does arise, the conflict shall be disclosed, addressed and resolved in the best interest of the organization. Questions entailing a conflict of interest can be very sensitive and need to be treated with care.

Disclosure of information

24. International civil servants should avoid assisting third parties in their dealings with their organization where this might lead to actual or perceived preferential treatment. This is particularly important in procurement matters or when negotiating prospective employment. At times, international civil servants may, owing to their position or functions in accordance with the organization's policies, be required to disclose certain personal assets if this is necessary to enable their organizations to make sure that there is no conflict. The organizations must ensure confidentiality of any information so disclosed, and must use it only for defined purposes or as authorized by the international civil servant concerned. International civil servants should also disclose in advance possible conflicts of interest that may arise in the course of carrying out their duties and seek advice on mitigation and remediation. They should perform their official duties and conduct their personal affairs in a manner that preserves and enhances public confidence in their own integrity and that of their organization.

Use of the resources of United Nations organizations

25. International civil servants are responsible for safeguarding the resources of United Nations organizations which are to be used for the purpose of delivering an organization's mandate and to advance the best interests of the organization. International civil servants shall use the assets, property, information and other resources of their organizations for authorized purposes only and with care. Limited personal use of the resources of an organization, such as electronic and communications resources, may be permitted by the organization in accordance with applicable policies.

Post-employment restrictions

26. After leaving service with organizations of the United Nations system, international civil servants should not take improper advantage of their former official functions and positions, including through unauthorized use or distribution of privileged or confidential information; nor should international civil servants, including those working in procurement services and as requisitioning officers, attempt to unduly influence the decisions of the organization in the interest or at the request of third parties with a view to seeking an opportunity to be employed by such third parties.

Role of the secretariats (headquarters and field duty stations)

27. The main function of all secretariats is to assist legislative bodies in their work and to carry out their decisions. The executive heads are responsible for directing and controlling the work of the secretariats. Accordingly, when submitting proposals or advocating positions before a legislative body or committee, international civil servants are presenting the position of the executive head, not that of an individual or organizational unit.

28. In providing services to a legislative or representative body, international civil servants should serve only the interests of the organization, not that of an individual or organizational unit. It would not be appropriate for international civil servants to prepare for government or other international civil service representatives any speeches, arguments or proposals on questions under discussion without approval of

the executive head. It could, however, be quite appropriate to provide factual information, technical advice or assistance with such tasks as the preparation of draft resolutions.

29. It is entirely improper for international civil servants to lobby or seek support from government representatives or members of legislative organs to obtain advancement either for themselves or for others or to block or reverse unfavourable decisions regarding their status. By adhering to the Charter and the constitutions of the organizations of the United Nations system, Governments have undertaken to safeguard the independence of the international civil service; it is therefore understood that government representatives and members of legislative bodies will neither accede to such requests nor intervene in such matters. The proper method for an international civil servant to address such matters is through administrative channels; each organization is responsible for providing these.

Staff-management relations

30. An enabling environment is essential for constructive staff-management relations and serves the interests of the organizations. Relations between management and staff should be guided by mutual respect. Elected staff representatives have a cardinal role to play in the consideration of conditions of employment and work, as well as in matters of staff welfare. Freedom of association is a fundamental human right and international civil servants have the right to form and join associations, unions or other groupings to promote and defend their interests. Continuing dialogue between staff and management is indispensable. Management should facilitate this dialogue.

31. Elected staff representatives enjoy rights that derive from their status; this may include the opportunity to address legislative organs of their organization. These rights should be exercised in a manner that is consistent with the Charter of the United Nations, the Universal Declaration of Human Rights and the international covenants on human rights, and does not undermine the independence and integrity of the international civil service. In using the broad freedom of expression they enjoy, staff representatives must exercise a sense of responsibility and avoid undue criticism of the organization.

32. Staff representatives must be protected against discriminatory or prejudicial treatment based on their status or activities as staff representatives, both during their term of office and after it has ended. Organizations should avoid unwarranted interference in the administration of their staff unions or associations.

Relations with member States and legislative bodies

33. It is the clear duty of all international civil servants to maintain the best possible relations with Governments and avoid any action that might impair this. They should not interfere in the policies or affairs of Governments. It is unacceptable for them, either individually or collectively, to criticize or try to discredit a Government. At the same time, it is understood that international civil servants may speak freely in support of their organizations' policies. Any activity, direct or indirect, to undermine or overthrow a Government constitutes serious misconduct.

34. International civil servants are not representatives of their countries, nor do they have authority to act as liaison agents between organizations of the United Nations system and their Governments. The executive head may, however, request an international civil servant to undertake such duties, a unique role for which international loyalty and integrity are essential. For their part, neither Governments nor organizations should place international civil servants in a position where their international and national loyalties may conflict.

Relations with the public

35. For an organization of the United Nations system to function successfully, it must have the support of the public. All international civil servants therefore have a continuing responsibility to promote a better understanding of the objectives and work of their organizations. This requires them to be well informed of the achievements of their own organizations and to familiarize themselves with the work of the United Nations system as a whole.

36. There is a risk that on occasion international civil servants may be subject to criticism from outside their organizations; in keeping with their responsibility as international civil servants, they should respond with tact and restraint. It is the obligation of their organizations to defend them against criticism for actions taken in fulfilment of their duties.

37. It would not be proper for international civil servants to air personal grievances or criticize their organizations in public. International civil servants should endeavour at all times to promote a positive image of the international civil service, in conformity with their oath of loyalty.

Relations with the media

38. Openness and transparency in relations with the media are effective means of communicating the organizations' messages. The organizations should have guidelines and procedures in place for which the following principles should apply: international civil servants should regard themselves as speaking in the name of their organizations and avoid personal references and views; in no circumstances should they use the media to further their own interests, to air their own grievances, to reveal unauthorized information or to attempt to influence their organizations' policy decisions.

Use and protection of information

39. Because disclosure of confidential information may seriously jeopardize the efficiency and credibility of an organization, international civil servants are responsible for exercising discretion in all matters of official business. They must not divulge confidential information without authorization. International civil servants should not use information to personal advantage that has not been made public and is known to them by virtue of their official position. These obligations do not cease upon separation from service. Organizations must maintain guidelines for the use and protection of confidential information, and it is equally necessary for such guidelines to keep pace with developments in communications and other new technology. It is understood that these provisions do not affect established practices governing the exchange of information between the secretariats and member States,

which ensure the fullest participation of member States in the life and work of the organizations.

Respect for different customs and culture

40. The world is home to a myriad of different peoples, languages, cultures, customs and traditions. A genuine respect for them all is a fundamental requirement for an international civil servant. Any behaviour that is not acceptable in a particular cultural context must be avoided. However, if a tradition is directly contrary to any human rights instrument adopted by the United Nations system, the international civil servant must be guided by the latter. International civil servants should avoid an ostentatious lifestyle and any display of an inflated sense of personal importance.

Security and safety

41. While an executive head assigns staff in accordance with the exigencies of the service, it is the responsibility of organizations to ensure that the health, well-being, security and lives of their staff, without any discrimination whatsoever, will not be subject to undue risk. The organizations should take measures to protect the safety of their staff and that of their family members. At the same time, it is incumbent on international civil servants to comply with all instructions designed to protect their safety.

Personal conduct

42. The private life of international civil servants is their own concern and organizations should not intrude upon it. There can be situations, however, in which the behaviour of an international civil servant may reflect on the organization. International civil servants must therefore bear in mind that their conduct and activities outside the workplace, even if unrelated to official duties, can compromise the image and the interests of the organizations. This can also result from the conduct of members of international civil servants' households and it is the responsibility of international civil servants to make sure that their households are fully aware of this.

43. The privileges and immunities that international civil servants enjoy are conferred upon them solely in the interests of the organizations. They do not exempt international civil servants from observing local laws, nor do they provide an excuse for ignoring private legal or financial obligations. It should be remembered that only the executive head is competent to waive the immunity accorded to international civil servants or to determine its scope.

44. Violations of the law can range from serious criminal activities to trivial offences, and organizations may be called upon to exercise judgment depending on the nature and circumstances of individual cases. A conviction by a national court will usually, although not always, be persuasive evidence of the act for which an international civil servant was prosecuted; acts that are generally recognized as offences by national criminal laws will normally also be considered violations of the standards of conduct for the international civil service.

Outside employment and activities

45. The primary obligation of international civil servants is to devote their energies to the work of their organizations. Therefore, international civil servants should not engage, without prior authorization, in any outside activity, whether remunerated or not, that interferes with that obligation or is incompatible with their status or conflicts with the interests of the organization. Any questions about this should be referred to the executive head.

46. Subject to the above, outside activities may, of course, be beneficial both to staff members and to their organizations. Organizations should allow, encourage and facilitate the participation of international civil servants in professional activities that foster contacts with private and public bodies and thus serve to maintain and enhance their professional and technical competencies.

47. International civil servants on leave, whether with or without pay, should bear in mind that they remain international civil servants in the employ of their organization and remain subject to its rules. They may, therefore, accept employment, paid or unpaid, during their leave only with proper authorization.

48. In view of the independence and impartiality that they must maintain, international civil servants, while retaining the right to vote, should not participate in political activities, such as standing for or holding local or national political office. This does not, however, preclude participation in local community or civic activities, provided that such participation is consistent with the oath of service in the United Nations system. It is necessary for international civil servants to exercise discretion in their support for a political party or campaign, and they should not accept or solicit funds, write articles or make public speeches or statements to the press. These cases require the exercise of judgment and, in case of doubt, should be referred to the executive head.

49. The significance of membership in a political party varies from country to country and it is difficult to formulate standards that will apply in all cases. In general, international civil servants may be members of a political party, provided its prevailing views and the obligations imposed on its members are consistent with the oath of service in the United Nations system.

Gifts, honours and remuneration from outside sources

50. To protect the international civil service from any appearance of impropriety, international civil servants must not accept, without authorization from the executive head, any honour, decoration, gift, remuneration, favour or economic benefit of more than nominal value from any source external to their organizations; it is understood that this includes Governments as well as commercial firms and other entities.

51. International civil servants should not accept supplementary payments or other subsidies from a Government or any other source prior to, during or after their assignment with an organization of the United Nations system if the payment is related to that assignment. Balancing this requirement, it is understood that Governments or other entities, recognizing that they are at variance with the spirit of the Charter and the constitutions of the organizations of the United Nations system, should not make or offer such payments.

Conclusion

52. The attainment of the standards of conduct for the international civil service requires the highest commitment of all parties. International civil servants must be committed to the values, principles and standards set forth herein. They are expected to uphold them in a positive and active manner. They should feel responsible for contributing to the broad ideals to which they dedicated themselves in joining the United Nations system. Organizations have the obligation to implement these standards through their policy framework, including rules, regulations and other administrative instruments. For their part, member States are expected, through their allegiance to the Charter and other constituent instruments, to preserve the independence and impartiality of the international civil service.

53. For these standards to be effectively applied, it is essential that they be widely disseminated and that measures be taken and mechanisms put in place to ensure that their scope and importance are understood throughout the international civil service, the member States and the organizations of the United Nations system.

54. Respect for these standards assures that the international civil service will continue to be an effective instrument in fulfilling its responsibilities and in meeting the aspirations of the peoples of the world.

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